

REMARKS

Applicant has carefully reviewed the Final Office Action mailed January 29, 2008 and offers the following remarks to accompany the above amendments.

Claims 1 and 30 have been amended to clarify that the present invention claims a method for transitioning a call from a cellular connection to a local wireless connection, which comprises receiving an inter-switch mobile handoff request from a wireless switch, effecting establishment of an inter-switch handoff connection to the mobile terminal via a terminal adaptor, and providing an inter-switch handoff instruction to the wireless switch to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection. Support for the amendments can be found in the Specification, including at least paragraphs 0028, 0029, 0036, 0037, 0039, 0042, and 0043, and Figures 1B, 1C, 2B-2D, and 3. Claims 2-4, 6-12, 14, 31-33, 35-41, and 43 have been amended to maintain proper antecedent basis. No new matter has been added and no new search is required.

Claims 1, 2, 7-15, 30, 31, and 36-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0147008 A1 to Kallio (hereinafter "Kallio"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

Applicant previously argued that Kallio does not teach each and every element of claim 1 (See Response filed December 11, 2006, pp. 3-5, and Response filed May 21, 2007, pp. 12-14). Applicant reiterates those arguments and incorporates them by reference in this Response. Applicant does not waive these arguments. However, in an effort to advance prosecution, Applicant has amended claims 1 and 30 to more clearly distinguish the claimed invention.

Claim 1 has been amended to recite a method for transitioning a call with a mobile terminal from a cellular connection to a local wireless connection, the method comprising:

a) receiving an inter-switch handoff request from a wireless switch supporting a call to the mobile terminal over a cellular access network, the call comprising a first connection from the wireless switch to the mobile terminal and a second connection between the wireless switch and an entity;

b) effecting establishment of an inter-switch handoff connection to the mobile terminal via a terminal adaptor, which supports local wireless communications with the mobile terminal; and

c) providing an inter-switch handoff instruction to the wireless switch to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection.

Claim 1 has been amended to clarify that the present invention claims a method for transitioning a call from a cellular connection to a local wireless connection, which comprises receiving an inter-switch mobile handoff request from a wireless switch, effecting establishment of an inter-switch handoff connection to the mobile terminal via a terminal adaptor, and providing an inter-switch handoff instruction to the wireless switch to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection. Claim 1 now recites that an inter-switch call handoff technique is used in order to transition a call from a cellular connection to a local wireless connection. The present claimed invention is thus directed to using inter-switch call handoff techniques to transition a call from a cellular network to a local wireless network, such that the call is seamlessly handed off despite the different frequencies, modulation, and protocols used in the cellular network and the local wireless network.

Kallio does not teach using an inter-switch call handoff technique. Instead, Kallio relies on intra-switch cellular techniques (cell sites served by the same switch) for call handoff (see, e.g., Kallio paragraph 0028, which discloses an A-interface gate, which is a standard base station controller interface to a mobile switching center). Since Kallio only discloses using intra-switch techniques for call handoff, Kallio does not teach inter-switch call handoff techniques, and thus does not teach “receiving an **inter-switch** handoff request from a wireless switch supporting a call to the mobile terminal over a cellular access network, the call comprising a first connection from the wireless switch to the mobile terminal and a second connection between the wireless switch and an entity, effecting establishment of an **inter-switch handoff connection** to the mobile terminal via a terminal adaptor, which supports local wireless communications with the mobile terminal, and providing an **inter-switch handoff instruction** to the wireless switch to connect the second connection and the **inter-switch handoff connection** to effect handoff of the call from the cellular connection to the local wireless connection,” as recited in amended claim 1.

Claim 30 has been amended and contains similar limitations as those recited in claim 1. Claim 30 is thus patentable for at least the same reasons as discussed in claim 1.

Claims 2 and 7-15 depend from claim 1, and claims 31 and 36-44 depend from claim 30. Therefore, claims 2, 7-15, 31, and 36-44 are allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 2, 7-15, 31, and 36-44 under 35 U.S.C. § 102(e) is respectfully requested. Notwithstanding this, certain dependent claims require special mention.

Claims 2 and 31 recite that “the inter-switch handoff connection is established in part between a wireline switch and the terminal adaptor.” The Patent Office argues that the WMC 210 of Kallio is a wireline switch and cites to an element in Figure 1 labeled as WLAN access point with WMC SW WMC 210. Notwithstanding the letters “SW”, nothing in Figure 1 of Kallio indicates that the element numbered as 210 is a wireline switch. In fact, the element 210 in Figure 1 has only one line connected to it indicating that it does not perform any switching function. This is confirmed in Kallio. Kallio discloses that the WLAN, through a hotspot LAN, is connected only to the A-interface gate (AGW) 310 and the Intranet Location Register (ILR) 320. (Kallio, paragraph 0028). Additionally, Kallio, in numerous instances, describes the WMC 210 as part of the WLAN “arranged to serve as a WLAN access point.” (Kallio, Abstract). As a WLAN access point, the WMC 210 contains “one or more radio transceivers,” includes “authentication algorithms” to confirm user identity, includes a handover algorithm, and includes other software for “providing the handover request and other handover messages.” (*Id.* at paragraphs 0029 and 0030). Clearly, therefore, the WMC 210 is not intended to be and, therefore is not, a wireline switch or any other switch. In contrast, when Kallio refers to a switch, such as the MSC 120, Kallio clearly discloses the switching function. (*Id.* at paragraph 0026). Kallio does not refer to any switching function when describing the WMC 210.

The Patent Office argues that the WMC 210 is a wireline switch based on Figure 1 and the argument that a switch is any electronic device which completes or breaks an electrical path (Final Office Action mailed January 29, 2008, p. 3). Applicant disagrees. First of all, such a broad definition of “wireline switch” is inconsistent with the Specification. Second, even if WMC 210 can be considered a switch, at best it would be considered a wireless switch and not a wireline switch. As described in paragraph 0029 of Kallio, the WMC 210 may contain one or more mobile radio transceivers and software such as an authentication program for confirming the identity of the user and information necessary to allow the user to roam in different coverage

areas of different technologies. It is clear that the WMC 210 is a wireless mobile center, and therefore is certainly not a wireline switch. Therefore, WMC 210 in Figure 1 of Kallio is not the wireline switch of the claimed invention. Thus, the portion of Kallio cited by the Patent Office does not disclose a wireline switch or an inter-switch handoff connection established between a wireline switch and the terminal adaptor. Since Kallio fails to disclose each and every element of claims 2 and 31, Kallio cannot and does not anticipate claims 2 and 31. Accordingly, claims 2 and 31 are allowable for this additional reason. Withdrawal of the rejection of claims 2 and 31 under 35 U.S.C. § 102(e) is respectfully requested.

Claims 7 and 36 recite that “the inter-switch handoff connection is established in part over a packet network operatively coupled to the terminal adaptor.” The Patent Office cites to paragraph 0033 of Kallio to support the rejection of these claims (Final Office Action mailed January 29, 2008, p. 6). The cited portion of Kallio discloses only that the wireless LAN 200 and the GSM network may use different protocols and that the Mobile Station 150 “may adapt the different call control protocol.” (Kallio, paragraph 0033). There is no mention of a terminal adaptor and certainly no mention that “the inter-switch handoff connection is established in part over a packet network operatively coupled to the terminal adaptor.” Since the cited portion of Kallio does not disclose a terminal adaptor or an inter-switch handoff connection, or any other connection, being “established in part over a packet network operatively coupled to the terminal adaptor,” Kallio fails to disclose each and every element of claims 7 and 36, and Kallio does not anticipate claims 7 and 36. Accordingly, claims 7 and 36 are allowable. Withdrawal of the rejection of claims 7 and 36 under 35 U.S.C. § 102(e) is respectfully requested.

Claims 3 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallio in view of U.S. Patent No. 5,737,703 to Byrne (hereinafter “Byrne”). Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03.

Claim 3 depends from claim 2, which depends from claim 1. Claim 32 depends from claim 31, which depends from claim 30. Therefore, claims 3 and 32 contain all of the elements of claims 1 and 2, and 30 and 31, respectively. As mentioned above, Kallio does not teach each and every element of claim 1. This deficiency of Kallio is not cured by combining Byrne with

Kallio. Thus, claims 3 and 32 are patentable as being dependent on claims 1 and 30, respectively.

Claims 4, 5, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallio in view of U.S. Patent No. 6,243,581 B1 to Jawanda (hereinafter “Jawanda”).

Applicant respectfully traverses. The standards for obviousness are set forth above.

Claims 4 and 5 depend indirectly from claim 1. Claims 33 and 34 depend indirectly from claim 30. Therefore, claims 4 and 5 contain all of the elements of claims 1, and claims 33 and 34 contain all of the limitations of claim 30. As discussed above, Kallio fails to teach each and every element of independent claims 1 and 30. Jawanda does not cure the deficiencies of Kallio in this regard. Therefore, the Patent Office has failed to establish *prima facie* obviousness of claims 4, 5, 33, and 34 based on the combination of Jawanda with Kallio. Thus, the rejection of claims 4, 5, 33, and 34 under 35 U.S.C. § 103(a) is improper, and, accordingly, claims 4, 5, 33, and 34 are allowable. Withdrawal of the rejection of claims 4, 5, 33, and 34 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 6 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallio in view of U.S. Patent No. 6,181,938 B1 to Salmela et al. (hereinafter “Salmela”).

Applicant respectfully traverses. The standards for obviousness are set forth above.

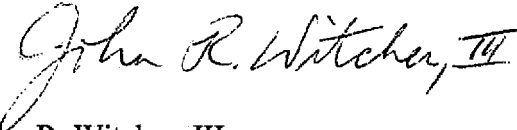
Claim 6 depends from claim 2, which depends from claim 1. Claim 35 depends from claim 31, which depends from claim 30. Therefore, claims 6 and 35 contain all of the elements of claims 1 and 2, and 30 and 31, respectively. As mentioned above, Kallio does not teach or suggest each and every element of claims 1 and 30. Combining Salmela with Kallio does not cure this deficiency. Therefore, the Patent Office has failed to show where each and every element of claims 6 and 35 is taught or suggested in the combination of Salmela with Kallio. Accordingly, the Patent Office has failed to establish *prima facie* obviousness of claims 6 and 35 based on the combination of Salmela with Kallio and, as such, the rejection of claims 6 and 35 under 35 U.S.C. § 103(a) is improper and claims 6 and 35 are allowable. Withdrawal of the rejection of claims 6 and 35 under 35 U.S.C. § 103(a) is respectfully requested.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

A handwritten signature in black ink, reading "John R. Witcher, III". The signature is written in a cursive style with a large, stylized "J" and "W".

John R. Witcher, III

Registration No. 39,877

100 Regency Forest Drive, Suite 160

Cary, NC 27518

Telephone: (919) 238-2300

Date: April 29, 2008

Attorney Docket: 7000-272